



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,682	11/25/2003	Kwang Soo Kim	9988.088.00-US	3059
30827	7590	05/31/2006		
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER MARKOFF, ALEXANDER	
			ART UNIT	PAPER NUMBER

1746

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,682	Applicant(s) KIM ET AL.	
	Examiner Alexander Markoff	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite because the term "low rotational speed" is a relative term lacking proper comparative basis.

- 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by KR 10-2001-0037081.

KR 10-2001-0037081 teaches a method for stopping a drum type washing machine after dewatering by braking the machine intermittently if unbalanced conditions are sensed. See Abstract.

4. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (US Patent No 5,913,952).

Art Unit: 1746

Kim teaches a method of stopping a washing machine after dewatering process by detecting and comparing the speed of the motor, comparing the speed with a predetermined values and applying different braking based on the results of the comparing. See entire document, especially, column 5, lines 5 – 35.

As to claim 2: Since the braking is applied the laundry is separated from the drum at least to the some extent by the applied braking force.

5. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Khan et al (US Patent No 3,116,243).

Khan et al teach a method as claimed. See entire document, especially Fig. 6 and the related description. Since the method requires conducting the specific steps at specific rotational speed it is inherent that the rotational speed is detected and compared to the needed value.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 1746

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over KR 10-2001-0037081 in view of Sonoda et al (US 2003/0046962) and JP 05-269292.

KR 10-2001-0037081 teaches a method for stopping a drum type washing machine after dewatering by braking the machine intermittently if unbalanced conditions are sensed.

KR 10-2001-0037081 does not teach the use of speed control to determine and prevent unbalanced rotation.

However, Sonoda et al and JP 05-269292 teach that it was known to control the rotational speed of the motor to determine and prevent unbalanced conditions. Sonoda et al teach such for a drum type machine. JP 05-269292 teaches such after dewatering process. Both documents further teach application of force to the motor by braking

Art Unit: 1746

intermittently (JP document) and/or by reverse rotation braking (Sonoda et al). Sonoda et al teach that reverse rotation braking separates laundry from the drum. See entire JP document (translation is provided), especially Figs. 1 and 4 and the related description and entire document of Sonoda et al, especially parts [0063] – [0099].

It would have been obvious to an ordinary artisan at the time the invention was made to use control and braking disclosed by JP 05-269292 and Sonoda et al in operation of a drum-type machine after dewatering process disclosed by KR 10-2001-0037081 in order to prevent unbalanced operation and safely and noise free stop the machine because KR 10-2001-0037081 teaches that unbalanced conditions could be presented in the stopping the drum type machine after dewatering and because Sonoda et al and JP 05-269292 teach that such conditions can be prevented by controlling the speed of the motor and applications of braking based on such control; and because Sonoda et al and JP 05-269292 teach such braking was conventional and recommended by the prior art to prevent unbalanced operation.

Response to Arguments

10. Applicant's arguments filed 3/10/06 have been fully considered but they are not persuasive. The applicants amended claim 1 to recite detecting of rotational speed and comparing the determined speed with a predetermined value and argue that KR 10-2001-0037081 does not teach such concept. The applicants further state that the other previously applied documents fail to address the deficiency of KR 10-2001-0037081. The applicants do not provide any factual evidence to support their statement.

This is not persuasive because in contrast to the applicants statement the concept of detecting of rotational speed and comparing the determined speed with a predetermined value was addressed in the previous Office action in the rejection made under 35 USC 103 over the combination of KR 10-2001-0037081 with Sonoda et al and JP 05-269292.

The examiner in the previous Office action provided reasoning to combine documents.

The applicants failed to provide arguments to rebut the examiners position. Thereby, the applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's arguments against KR 10-2001-0037081 individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The rejection previously applied to dependent claims is now applied to amended claim 1 as well.

With respect to newly submitted claims 6 and 7 the applicants merely state that these claims include subject matter, which is not disclosed by the prior art. The applicants provide no reasoning to support such statement. The statement of a general

Art Unit: 1746

allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references is not persuasive.

The newly submitted claims are addressed in the rejections above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 3,258,124 and JP 03-131295 are cited to show the state of the prior art with respect to operation of washing machines.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1746

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Markoff
Primary Examiner
Art Unit 1746

AM

ALEXANDER MARKOFF
PRIMARY EXAMINER